

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Patent No.: 7,183,254

Issue Date: February 27, 2007

Issued from Appln. Serial No.: 10/623,189

Filed: July 18, 2003

Inventors: Alex De Paoli, et al.

Title: *USE OF LEPTIN FOR TREATING HUMAN
LIPOATROPHY AND METHOD OF DETERMINING
PREDISPOSITION TO SAID TREATMENT*

Confirmation No.: 3581

TC/A.U.: 1646

Examiner: O'Hara, Eileen B.

**APPLICATION FOR RECONSIDERATION PATENT TERM ADJUSTMENT
UNDER 37 C.F.R. §1.705(d)**

Mail Stop – Patent Ext.

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Sir:

Applicant respectfully requests reconsideration of the Patent Term Adjustment indicated on the face of the above-identified patent. Applicant herein applies for an adjustment of the patent term due to, at least, to a delay on the part of the Patent Office in issuance of the patent. The required fee under 37 C.F.R. §1.18(e) and a statement of facts in support of this application are filed herewith. Accordingly, this application is timely filed.

Certificate of Transmission Under 37 C.F.R. 1.8

I hereby certify that this document is being transmitted by electronic filing to the Commissioner for Patents, Alexandria, Virginia on this 29th day of March 2007.

March 29, 2007

Date of Transmission

/Rachel Potash/

Rachel Potash

The Commissioner is hereby authorized to charge payment of any additional fees or credit overpayment of any fees associated with this communication to Applicant's Deposit Account No. 010535.

Respectfully submitted,
AMYLIN PHARMACEUTICALS, INC.

Dated: March 29, 2007

/Michael D. Ruse, Jr./

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**Statement of Facts Pursuant to 37 C.F.R. § 1.705(b)(2) in Support of Application for
Reconsideration of Patent Term Adjustment Under 37 C.F.R. § 1.705(d)**

Mail Stop – Patent Ext.

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Sir:

This Statement of Facts is being submitted pursuant to 37 C.F.R. § 1.705(b)(2) in support of an Application for Reconsideration of Patent Term Adjustment under C.F.R. § 1.705(d), submitted herewith.

The Patent Term Adjustment (PTA) shown on the face of the above-identified patent is 284 days. Applicant submits that the correct PTA is 495 days. Relevant instances, and associated dates and impact of such instances to the correct PTA to which the above-identified patent is entitled, follow.

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Relevant instances, and associated dates and accorded PTA

The PTA calculation for this application begins with the actual date that the Continuing Prosecution Application (CPA) was filed and the provisions of C.F.R. § 1.53(d) satisfied, which is July, 18, 2003. From this date, there are two instances under 37 C.F.R. § 1.702 and 37 C.F.R. § 1.703 that increase PTA and three instances under 37 C.F.R. § 1.704 that reduce PTA for the above-identified patent. The relevant dates of these instances, and PTA adjustment accorded these instances, are provided below, and further outlined in EXHIBIT A, attached hereto.

1. On September 24, 2004, Applicant filed a non-final Office Action (i.e., a Response to a Notice To File Missing Parts), mailed on February 25, 2004. Under 37 C.F.R. § 1.704(b), Applicant's delay in filing the Response reduces PTA by 122 days.

2. On January 12, 2006, the Patent Office mailed a non-final Office Action (i.e., a Restriction Requirement). Under C.F.R. § 1.702(a)(1) and C.F.R. § 1.703(a)(1), the Office's delay in issuing the Action increases PTA by 481 days.

3. On April 17, 2006, Applicant filed a Response to the non-final Office Action (a Restriction Requirement) mailed on January 12, 2006. Under 37 C.F.R. § 1.704(b), Applicant's delay in responding to the Office Action reduces PTA by 5 days.

4. On June 26, 2006, Applicant filed an Information Disclosure Statement (IDS). Under 37 C.F.R. § 1.704(c)(8), the submission of this IDS reduces PTA by 70 days.

5. On February 27, 2007, the Patent Office issued patent number 7,183,254 from patent application No. 10/623,189, which, as mentioned above, received an actual filing date of July 18, 2003, in accordance with the provisions of C.F.R. 1.53(d). Under 37 C.F.R. § 1.702(b) and C.F.R. § 1.703(b), the Office's delay in issuing Patent No. 7,183,254 from patent application No. 10/623,189 increases PTA by 211 days.

Applicant states that the above-identified patent is not subject to a terminal disclaimer.

By way of the foregoing comments, attached EXHIBIT A, and the Application submitted herewith, Applicant asserts that the provisions of C.F.R. § 1.705(d) have been satisfied. Accordingly, Applicant respectfully requests reconsideration of PTA calculated by the Patent Office, and correction of the PTA such that the full term adjustment to which the patent is entitled, 481 days, is accorded indicated on the face of the above-identified patent.

Respectfully submitted,
AMYLIN PHARMACEUTICALS, INC.

Dated: March 29, 2007

/Michael D. Ruse, Jr./
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EXHIBIT A

Relevant Date	Relevant Instance	Dates for PTA calculation & C.F.R. provision	Days added or subtracted for PTA
July 18, 2003	Continuing Prosecution Application filed.	Not applicable.	Not applicable.
February 25, 2004	Notice to File Missing Parts mailed.	May 26, 2004, through September 24, 2004. §1.704(b)	122 days charged to Applicant and subtracted from PTA.
September 24, 2004	Response to Notice to File Missing Parts mailed.		
January 12, 2006	Restriction Requirement mailed.	September 19, 2003, through January 12, 2006. §§1.702(a)(1) and 1.703(a)(1).	481 days charged to PTO and added to PTA.
April 17, 2006	Response to Restriction Requirement mailed.	April 13, 2006, through April 17, 2006. §1.704(b).	
June 26, 2006	Information Disclosure Statement mailed.	April 18, 2006, through June 26, 2006. §1.704(c)(8).	70 days charged to Applicant and subtracted from PTA.
February 27, 2007	Issuance of allowed Patent.	July 14, 2003, through February 27, 2007. §§1.702(b) and 1.703(b.)	

Total PTA = (Total added days) - (total subtracted days):

Total PTA = (481 + 211) – (122 + 5 + 70) = 495 days Correct Total PTA